

BOARD OF APPEALS CASE NO. 4893

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BEFORE THE

APPLICANT: Harford County Government

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ZONING HEARING EXAMINER

REQUEST: Variance to allow a highway maintenance building within the required setback; 1405 Pylesville Road, Whiteford

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 1/27/99 & 2/3/99

HEARING DATE: March 31, 1999

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Record: 1/29/99 & 2/5/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Harford County Government, is requesting a variance to Section 267-34(C), Table II, of the Harford County Code, to construct a highway maintenance building less than 200 feet from a residential lot in an Agricultural District.

The subject parcel is located at 1405 Pylesville Road in the Fifth Election District. The parcel is identified as Parcel No. 85, in Grid 4-A, on Tax Map 5. The parcel contains 14.62 acres, more or less, all of which is zoned Agricultural.

Ms. Linda Rickey appeared and testified that she is the Superintendent of Highway Districts for Harford County and that she is familiar with and has visited the subject parcel. The Applicant's witness introduced a site plan setting forth the location of the proposed building as Petitioner's Exhibit No. 1. The witness said the building will have dimensions of 36 feet by 156 feet. Ms. Rickey explained that the building will be a 3-sided pole building which will be used for storage of highway equipment. Ms. Rickey said that the building will be used for storage only and that only very minor maintenance will be conducted on the site. The witness said that the subject parcel contains severe slopes and wetlands and that the existing woodland on the property will not be disturbed by the proposed building. The witness went on to explain that she did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the equipment is already stored on the property and by approving the variance, the equipment will be stored within the proposed building instead of in open view.

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Mr. Anthony McClune, Chief of Current Planning for the Department of Planning and Zoning, appeared and testified that the Design Regulations for the parcel require a 200 foot setback and that the Applicant is requesting a reduction of the setback to 59.5 feet. Mr. McClune went on to testify that the site is constrained by severe topography to the south and west. He said the existing improvements and the location of the well and septic area utilize most of the buildable area of the site, posing practical difficulty in locating the additional building. He testified the proposed building cannot be located in conformance with the required setbacks due to topography and the existing drainage system for the parking area. Mr. McClune did recommend that additional plantings take place in order to minimize the impact on the adjoining residential properties.

Ms. Elizabeth Plummer appeared and testified that she is not opposed to the construction of the building but did ask that additional screening and landscaping be implemented to minimize the impact on adjoining parcels.

CONCLUSION:

The Applicant is requesting a variance to Section 267-34(C), Table II, of the Harford County Code, which requires a 200 foot setback from a residential lot in the Agricultural District. The Applicant is proposing a 59.5 foot setback.

The uncontradicted testimony of the Applicant's witness and Mr. Anthony McClune of the Department of Planning and Zoning is that the subject parcel is unique because of topographic conditions and wetlands, as well as the location of the septic and well on the property. No testimony was introduced that approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code, and the Applicant's witness testified that approval of the variance would allow the Applicant to store the equipment within an enclosed building and, therefore, minimize visual impact of the Applicant's operation on the parcel.

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It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant's witness, as well as Mr. McClune and his testimony. If is, further, the finding of the Hearing Examiner that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for the proposed building.
2. The Applicant shall create a screened buffer along the eastern property line adjacent to the residential uses. A landscaping plan shall be submitted to the Department of Planning and Zoning for review and approval.
3. The trees shall be planted within the next planting season following construction of the building.

Date APRIL 15, 1999

**L. A. Hinderhofer
Zoning Hearing Examiner**